THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.18475 of 2005

Date:30.08.2005

K.Nalini, D/o.Gopala Krishna Pillai, Conductor A.P.S.R.T.C.,

Staff No.E-209330, Hayatnagar Bus Depot (presently working),

R/o.C-28, MIG, First Floor, 1st Phase, Vanasthalipuram, Hyderabad

----------Petitioner

The Depot Manager and others

----------Respondents

ORDER:

The petitioner is employed as a Conductor in the A.P.S.R.T.C. Disciplinary proceedings were initiated against her on the ground that she did not issue a ticket to a passenger on 09.07.2002 after collecting the fare in a service between Bangarupalem to Perumanupalli. On an earlier occasion, an order of removal was passed against her, and a number of Writ Petitions, being W.P.No.15078 of 2004 and batch, came to be filed and at several stages. It, ultimately, emerged that the order of removal was set aside and that the departmental enquiry was directed to be conducted afresh. The grievance of the petitioner was that she was not issued the relevant documents in the process of enquiry. Through a Common Order, dated 22.02.2005, passed by this Court in the batch of Writ Petitions, the respondents were directed to furnish the relevant documents and also to pay the subsistence allowance to the petitioner for the entire period of suspension. The petitioner, who was earlier working in the Chittoor-I Depot of the A.P.S.R.T.C is now said to have been transferred to Hayatnagar Depot.

Now, the grievance of the petitioner is that though she made a number of representations requesting the respondents to furnish the documents, the respondents did not comply with the same and are proceedings with the enquiry. She seeks a direction to the respondents to proceed with the enquiry,

in accordance with the directions issued by this Court in the earlier batch of Writ Petitions, in the matter of furnishing documents.

Heard the party-in-person and the learned Standing Counsel for the A.P.S.R.T.C.

The enquiry initiated against the petitioner on the basis of a Check Report, dated 09.07.2002, is in progress. The petitioner submitted a series of representations requesting the respondents to furnish the relevant documents. A perusal of the Charge Sheet discloses that the petitioner is charged with an irregularity in relation to issuance of tickets and insubordination in leaving the place during the time of check. The truth or otherwise of the charges against the petitioner needs to be proved in the enquiry.

Basically, it is for the respondents to prove the charges against the petitioner. They have to examine the concerned witnesses and produce the relevant documents in support of their plea. The petitioner will have an opportunity to cross examine the witnesses, and to point out that the documents relied upon by the respondents are neither relevant nor support their contention. Another aspect, which needs to be noted, is that the respondents cannot rely on any document, the copy of which is not supplied to the petitioner. The petitioner herself stated that she has been furnished certain documents, in response to her request. The learned counsel for the respondents submits that the respondents do not intend to rely on any other documents and in case, they intend to rely on any other documents, the copies of the same would be furnished to the petitioner.

In that view of the matter, the writ petition is disposed of, directing that the respondents shall furnish copies of such documents, which they intend to rely upon, and that they shall not be entitled to cite any documents, without furnishing copes thereof to the petitioner. The petitioner, in turn, shall cooperate with the enquiry and the proceedings shall be concluded as early as possible

and not later than three months from today. There shall be no order as to costs.

_____

30.08.2005

Jsu